

City Council Introduction: **Monday**, September 29, 2003
Public Hearing: **Monday**, October 6, 2003, at **1:30 p.m.**

Bill No. 03R-274

FACTSHEET

TITLE: SPECIAL PERMIT NO. 671B, an amendment to the Wassung Park Community Unit Plan, requested by Mike Winter, to reduce the side yard setback from 10' to 5' on Lot 12, Block 2, Wassung Park North Addition, located at 3921 and 3923 No. 8th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 09/03/03
Administrative Action: 09/03/03

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional Approval (7-0: Carlson, Duvall, Krieser, Marvin, Steward, Bills-Strand and Taylor voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. The purpose of this request to reduce the side yard setback from 10' to 5' is to replace the existing decks with larger decks to allow easier access for moving furniture into the duplex units.
2. The staff recommendation of conditional approval, is based upon the "Analysis" as set forth on p.3-4, concluding that the reduction in the side yard is acceptable.
3. On September 3, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On September 3, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated August 18, 2003. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 22, 2003

REVIEWED BY: _____

DATE: September 22, 2003

REFERENCE NUMBER: FS\CC\2003\SP.671B

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 3, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #671B
Wassung Park Community Unit Plan

PROPOSAL: To reduce the side yard setback from 10' to 5' on Lot 12 Block 2, Wassung Park North Addition at 3921 and 3923 N. 8th Street.

LOCATION: Generally located at N. 8th and Benton Streets.

WAIVER REQUEST:

1. Reduce the side yard setback from 10' to 5'.

LAND AREA: 6,175 square feet, more or less.

CONCLUSION: The reduction in the side yard setback is acceptable.

RECOMMENDATION:

Reduce the side yard setback from 10' to 5' on Lot 12 Block 2, Wassung Park N. Add.

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 12, Block 2, Wassung Park North Addition.

EXISTING ZONING: R-2, Residential.

EXISTING LAND USE: Duplex.

SURROUNDING LAND USE AND ZONING:

North:	Duplex	R-2, Residential
South:	Duplex	R-2
East:	Single family, duplex	R-2
West:	Single family, duplex	R-2

HISTORY: On **November 17, 1980**, the Planning Director approved an administrative amendment to Special Permit #671 that showed reduced setbacks on Lots 11 and 13, Block 2.

On **September 7, 1979** the Board of Zoning Appeals approved a reduction of the required side yard from 5' to 3' at 4008 N. 9th Street.

The area was converted from A-2, Single Family to R-2, Residential during the **1979** zoning update.

On **March 18, 1974**, Special Permit #598 Wassung Park Addition was approved for 59 dwelling units south of Benton Street.

On **November 13, 1973** Special Permit #671A Wassung Park North Addition was approved to modify rear yard setbacks to 15' for lots along N. 7th Street.

On **October 29, 1973**, Special Permit #671 Wassung Park North Addition was approved for 53 dwelling units south of Benton Street from N. 7th to N. 9th Streets.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan (F-25).

Guiding Principles for existing neighborhoods indicates: (F-69)

- “Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.”
- “Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.”
- “Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).”
- “Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas”.
- “Encourage retention of single family uses in order to maintain mix of housing.”
- “Encourage historic preservation and the rehabilitation and maintenance of buildings.”
- “Maintain small parks and open space within walking distance of all residences. Support retention of public uses (elementary schools, churches) as centers of neighborhood – encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhood if properly screened.”
- “Transit stops integrated into commercial center, near arterial.”
- “Maintain existing pattern of streets.”
- “Arterial streets compatible with the existing character with two through lanes and a center turn lane.”

TRAFFIC ANALYSIS: N. 7th and Benton Streets are classified as local roads.

ANALYSIS:

1. This is a request to reduce the side yard setback from 10' to 5' on Lot 12, Block 2 Wassung Park North Addition for a deck. The request is so that the applicant can replace the existing decks with larger decks to make it easier to bring furniture into the duplex units. The existing decks lead to the front entrance to the duplex units and are higher than 3' off the ground. Decks shall not encroach into any required yards if they are taller than 3' off the ground. The
2. The Zoning Ordinance indicates that in the R-2 district a 10' side yard setback is required if the use is a duplex unit with a party wall. Single family residential and other permitted uses only have a required 5' side yard setback.

3. When the area was preliminary platted, it appears the intent was to have townhouses and duplex units throughout, however, many single family houses were built instead. Originally several setback waivers were granted with the special permit, including rear and side yard setback modifications. In an area that was originally intended for townhouses, the setbacks were waived to a side yard setback of 0' and rear yard of 5'. Additionally, the Board of Zoning Appeals granted a variance to the side yard setback (from 10' to 5') on the property to the south of this request. Setbacks appear to have been reduced on the lots to the south and north of this lot by the Planning Director in 1980.
4. When the area was platted as duplex, it appeared that a 10' side yard setback would have been consistent theme for the general area, however as the land developed into a mix of single family and duplex, coupled with the BZA variance, setbacks are now inconsistent.
5. The applicant requested the modification only to his lot, however, the Planning Department staff is not opposed to allowing the modification for the entire community unit plan. Granting the modification to the entire community unit plan at this time will avoid further requests. The Lincoln Housing Authority, who owns property in the area, submitted a letter stating that they do not oppose the applicant's request but ask that it be limited to Lot 12 only. Because of this, the Planning Department did not pursue allowing the modification over the entire CUP.
6. The Public Works & Utilities and Lincoln-Lancaster County Health Departments do not object to the request.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show the administrative amendment #91037 that was approved June 14, 1991.
2. This approval permits a variance to the side yard setback from 10' to 5' on Lot 12, Block 2, Wassung Park North Addition.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a reproducible **final** plan including 6 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

DATE: August 18, 2003

APPLICANT: Mike Winter
OWNER & PO Box 203
CONTACT Elmwood, NE 68349
(402)432-3981

**SPECIAL PERMIT NO. 671B,
An Amendment to the
WASSUNG PARK COMMUNITY UNIT PLAN**

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 3, 2003

Members present: Carlson, Duvall, Krieser, Marvin, Steward, Bills-Strand and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 634D, SPECIAL PERMIT NO. 671B** and **COMPREHENSIVE PLAN CONFORMANCE NO. 03008**.

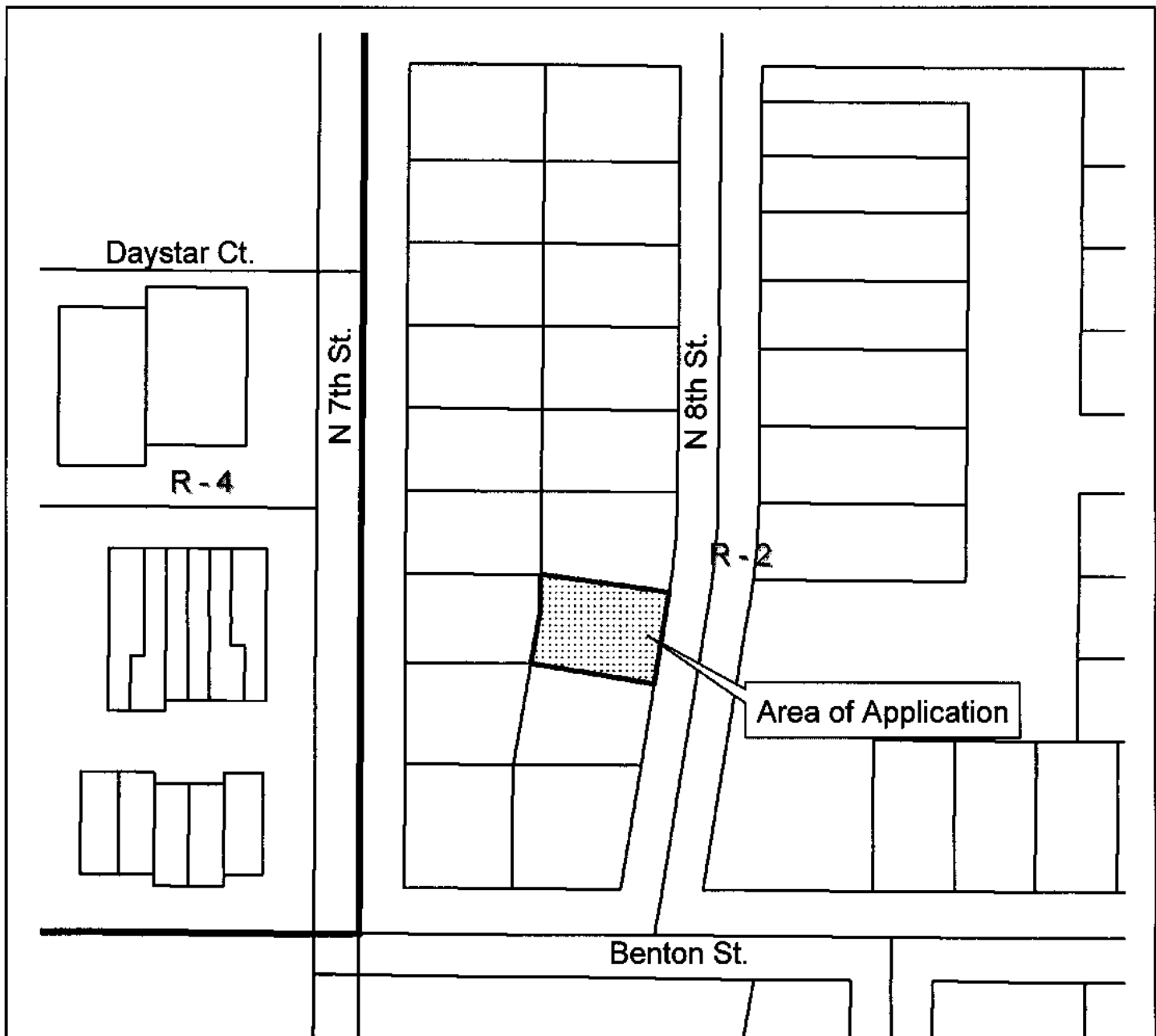
Item No. 1.1, Special Permit No. 634D, and Item No. 1.3, Comprehensive Plan Conformance No. 03008, were removed from the Consent Agenda and scheduled for separate public hearing. Taylor moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 7-0: Carlson, Duvall, Krieser, Marvin, Steward, Bills-Strand and Taylor voting 'yes'; Larson absent.



Special Permit #671B
3921 N. 8th St.
Wassung Park CUP



007

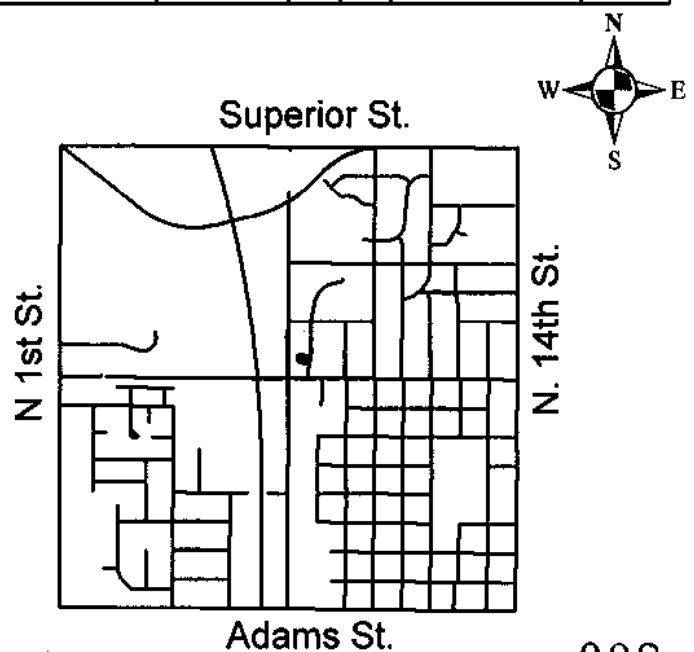
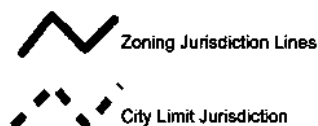


Special Permit #671B
3921 N. 8th St.
Wassung Park CUP

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 11 T10N R6E



008

540 W. INDUSTRIAL LAKE DR.,
SUITE 1 - LINCOLN, NE 68528
(402) 476-3020
(402) 476-3138 FAX

SURVEY RECORD
K&M inc.
Land Surveying

MIKE WINTER

PROJECT # 0305116

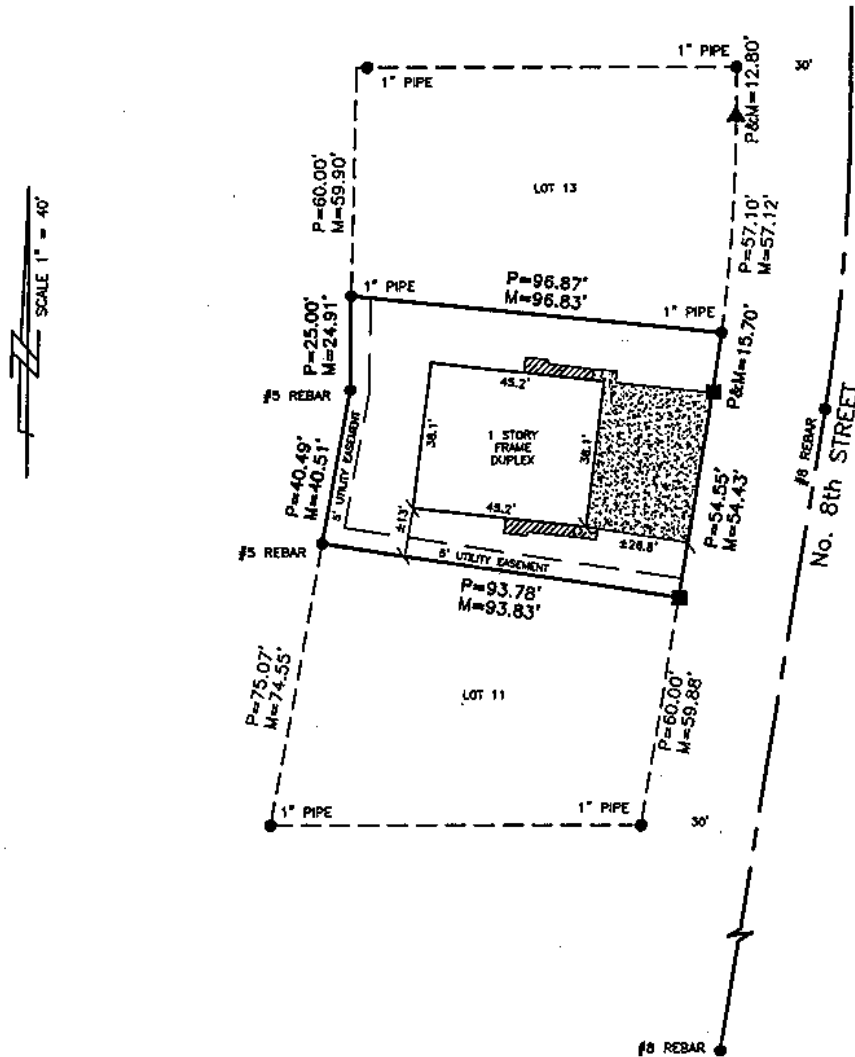
DATE: 5/29/03

B/P: 124146

Survey Of: LOT 12, BLOCK 2, WASSUNG PARK NORTH ADDITION, LOCATED IN THE
NORTHEAST QUARTER OF

Section: 11, T.10 N, R. 6 E, of the 6th P.M. LINCOLN, LANCASTER County, Nebraska

3921 No. 8th STREET



NOTE: ALL EASEMENTS SHOWN AS THEY APPEAR ON ORIGINAL PLAT

Subject property apparently falls within the confines of Zone " X " as determined by the FEMA-FIA
Flood Rate Map community 315273, panel 0305 E, revised 9-21-01.

- P = Plotted ■ = Set #5 Rebar, & L.S. #483 Cap.
M = Measured ▲ = Set Temp. Point
● = Found as noted

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately
surveyed the property in the above plat. All
dimensions are in feet and decimals of a
foot.

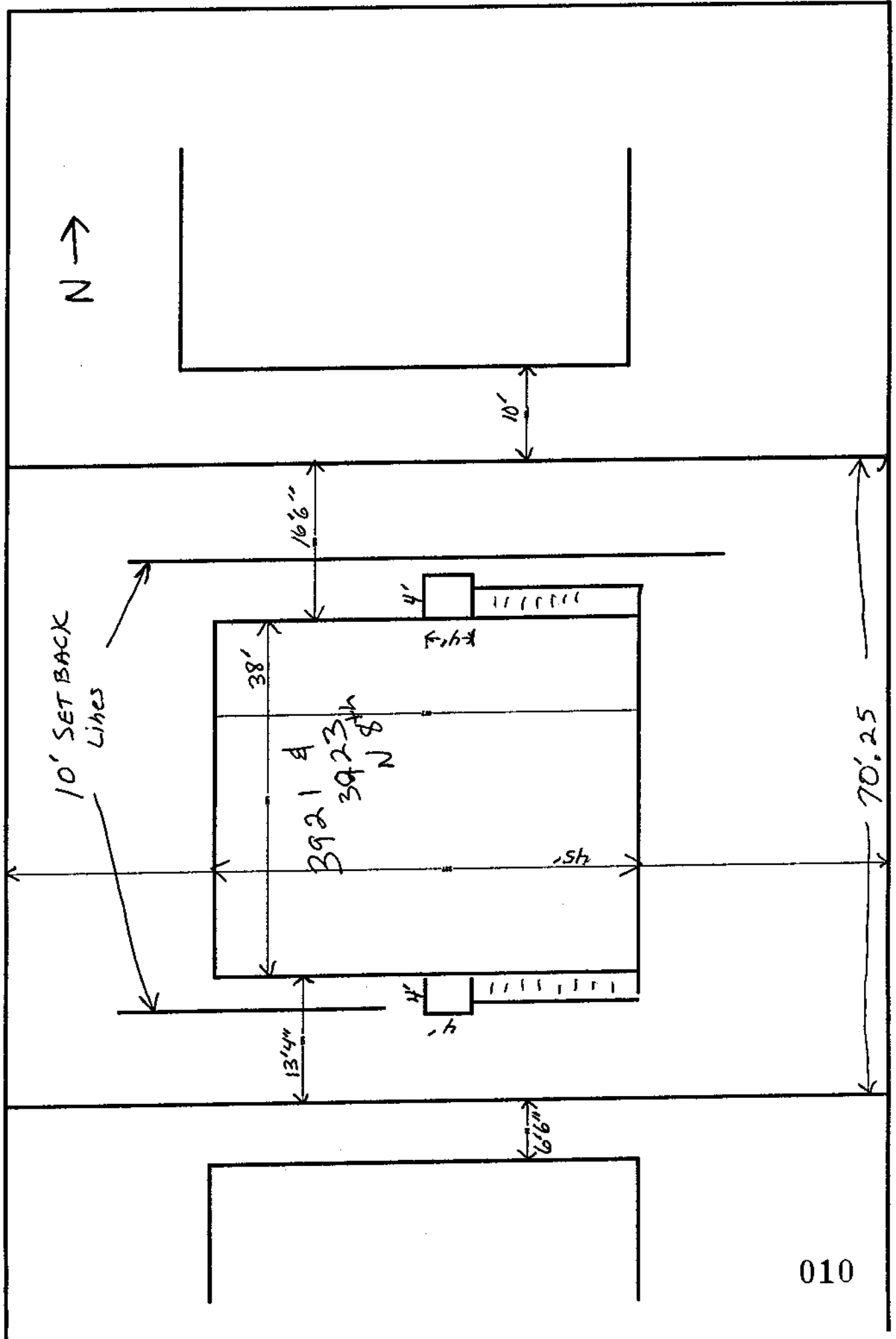
Signed this day of 5-29-03

Billy Joe Kerr
Billy Joe Kerr, L.S. #483

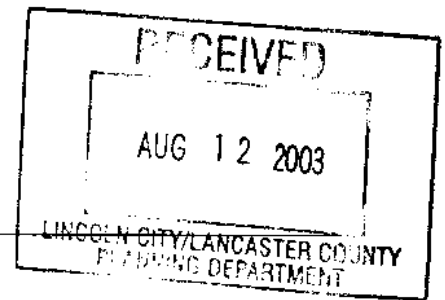


009

EXISTING (10' SET BACKS, 4' x 4' DECKS)



M e m o r a n d u m



To: Becky Horner, Planning Dept
From: ^{BB} Bruce Briney, Public Works and Utilities
Subject: Community Unit Plan #671B, Wassung Park North Addition
Date: August 11, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Community Unit Plan #671B, Wassung Park North Addition, for property located at 3921/3923 North 8th Street to change the required side yard setback from 10' to 5'. Public Works has no objection to the application.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: August 14, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Wassung Park
CUP #671B

The Lincoln-Lancaster County Health Department has reviewed the proposed amendment to Wassung Park CUP and does not object to the setback modifications.

Richard J Furasek

To: Rebecca D Horner/Notes@Notes

08/19/2003 03:31 PM

cc:
Subject: Wassung Park CUP #671B

- . After reviewing the plan for the larger decks, we find no problems with it from our department's perspective.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

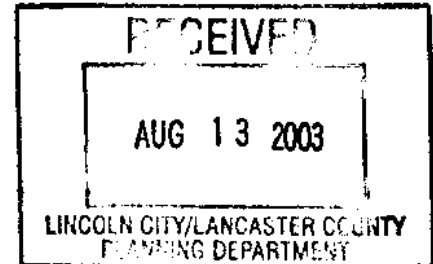
Commissioners:
Jan Gauger, Chair
William D. Blue, Vice Chair
Francene Blythe
Kent C. Thompson
Orville Jones, III

Lincoln Housing Authority

Executive Director
Larry G. Potratz

Crossroads House • 1000 O Street, Suite 102 • Lincoln, NE 68508

August 12, 2003



Mr. Mike Winter
P.O. Box 203
Elmwood, Nebraska 68349

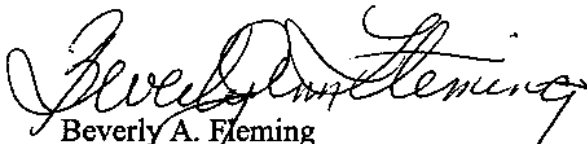
Re: Lot side yard setbacks at 3921-3923 North 8th Street

Dear Mr. Winter:

This letter is in response to your letter dated July 26, 2003 regarding the building side yard setback requirements at the above referenced property. The Lincoln Housing Authority will not oppose your request to the City of Lincoln to reduce the side yard setback requirement from 10 feet to 5 feet. However, it is our preference that the change in setback requirements apply only to porches, decks and patios and not the actual building envelope, if possible. I am unsure if the City's zoning regulations would allow two different requirements.

If you have any questions, please do not hesitate to contact me at 434-2610. Thank you.

Sincerely,


Beverly A. Fleming
Planning and Development Manager

c: Ms. Becky Horner

7/26/2003

Dear Neighbor,

\$ Owner of 3911 N 8th and 3931 RECEIVED
LINCOLN HOUSING
AUTHORITY

I'm writing this note to tell you about a change I'm requesting in the neighborhood, tell you why I'm requesting it, and to address any concerns you may have with the change if possible and hopefully get your approval. 08 AUG 2003 PM 12 04

I own the duplex at 3921 / 3923 North 8th. It's the tan building with the two trees and split rail fence in the front, and the stairs to the main entrance on the sides. The decks are getting older and I would like to replace them. The decks are approximately 4' x 4' and don't have enough room to set large furniture down before turning it and entering the building. Things like hutches, couches, big screen TVs and so on need to be lifted over the deck rail to get turned enough to enter the building. I would like to build an 8' X 8' deck to give folks enough room to safely move things in and out of the property without lifting them over the deck rails.

Our neighborhood has some lots with 0' side yard setbacks, some with 5' side yard setbacks, and others with 10' side yard setbacks. The building next door to mine at 3911 has 5' setbacks. My lot has 10' side yard setbacks. This means that I can't build any part of the deck closer than 10' from the lot line on the side yard. I am requesting that my setbacks be changed from 10' to 5' so that I can build the 8' X 8' decks. Without this change, I can only build a 4' X 8' deck which would at least give folks enough room to set the larger heavy items down, but they would still need to lift them over the rail to turn them enough to enter the building. There is also an entry to the upstairs through the garage, but it is actually smaller and worse and hard to explain so I've included a picture on the back of this note so you can see what I'm talking about.

A special permit already exists which is how some of the buildings got there 0' and 5' setbacks. I'm trying to amend the existing permit to include my property. If you are opposed to this happening, I would like to know now and save myself lots of hassle, time, and money. I'd also like to know why so that I would have a chance to remedy it if that were an option. If the proposed changes are acceptable with all the neighbors, that would help my chances of my amendment being approved.

Please mark the statements below that apply;

- ☐ I'm opposed to 3921/3923 having a 5' side yard setback because
- ☐ I approve the request for 5' side yard setbacks for the property at 3921 / 3923 North 8th.
- ☐ Please call me at _____ regarding your request.

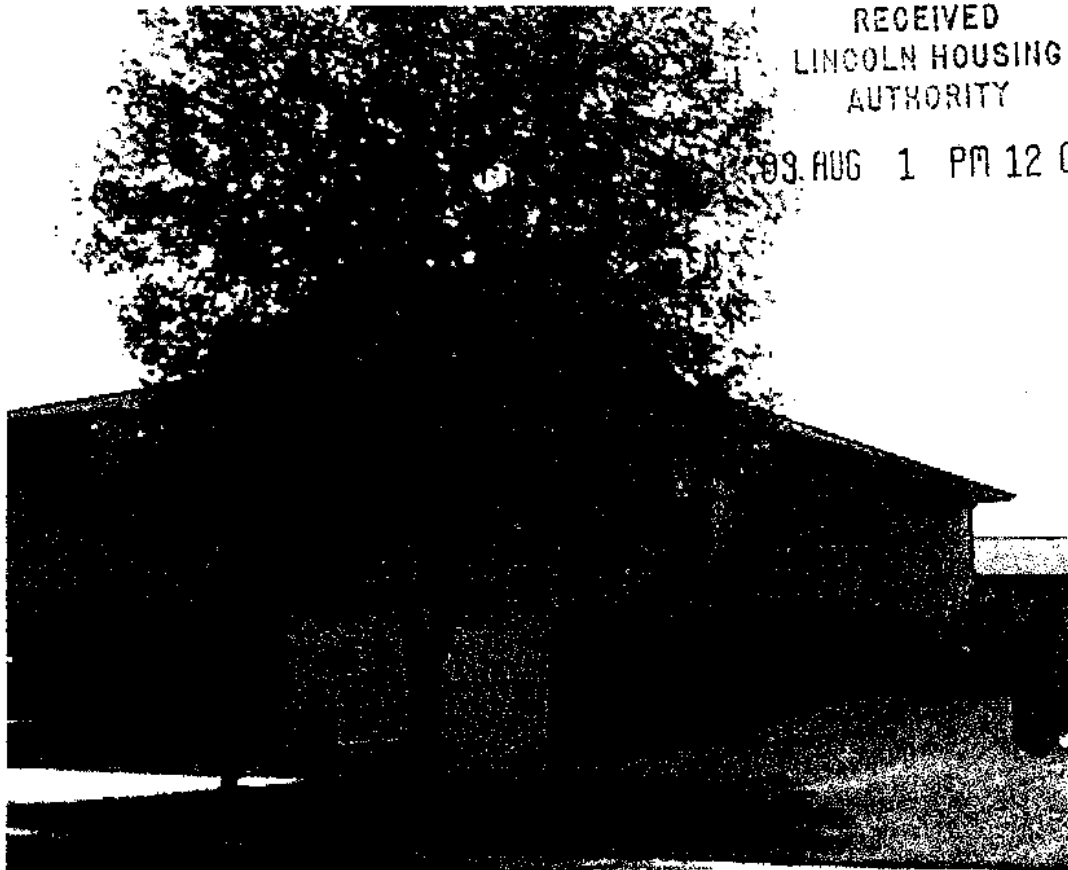
SIGNATURE _____

Thank you for taking the time to read this and reply.

Sincerely,

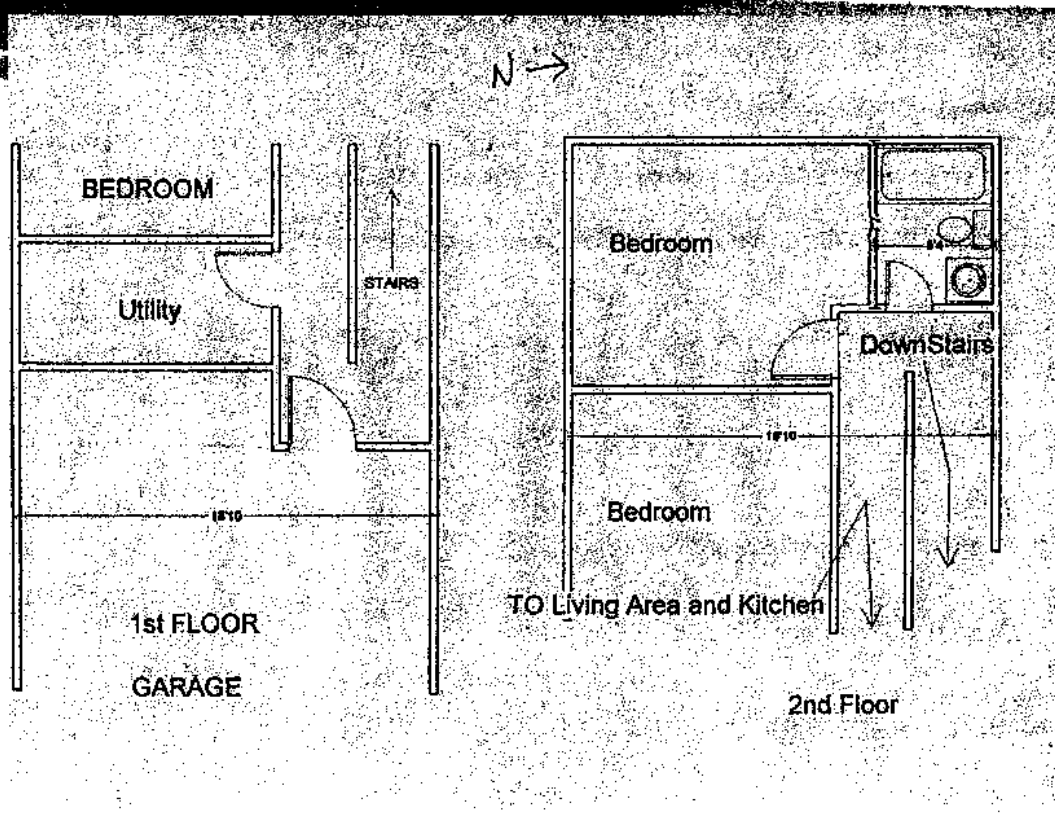
Thanks Mike

Mike Winter
(402) 328-5418 Work
(402) 432-9381 Home (best after 5:00)



RECEIVED
LINCOLN HOUSING
AUTHORITY

09 AUG 1 PM 12 04



The attachments show everyone that was notified by me regarding the request for an amendment to the special Permit 671.

It also shows who responded and the 3 who didn't. I included a copy of 1 notice so you could see how the notification looked.

I also included a response from the housing Authority which wouldn't block my Request ~~us~~ but would like to ~~resp~~ restrict it to Decks, Patios and Porches.

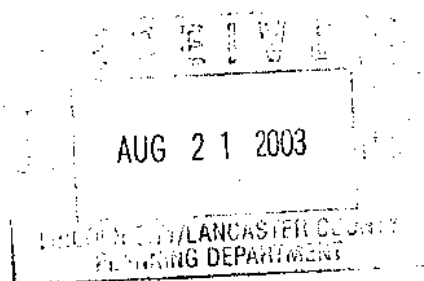
8/20/2003

Mike Winter

328-5418 (work)

994-2032 (home)

432-9381 (cell)





Lancaster County

County Assessor
Property Information

InterLinc

Address Search Results for: N 8 ST

Parcel ID	Owner Name	Property Address
10-23-216-004-000	BROUSE, DONALD R & SUSAN G	1018 N 8 ST LINCOLN
10-23-215-007-000	PROCHNOU, RAYMOND H & ARDIS E	1021 N 8 ST LINCOLN
10-23-215-008-000	WILLIAMS, ROBERT L & ROBIN L	1025 N 8 ST LINCOLN
10-23-216-003-000	JACOBSEN, HAZEL & EDWARD	1030 N 8 ST LINCOLN
10-23-216-002-000	MUNYON, CLAIR	1036 N 8 ST LINCOLN
10-23-215-009-000	KOLLMORGEN & KOLLMORGEN LLC	1043 N 8 ST LINCOLN
10-23-215-010-000	BRIDGEMAN, HENRY JR & HILDA	1045 N 8 ST LINCOLN
11-11-243-010-000	HUBER, DONALD R & BARBARA	3901 N 8 ST LINCOLN
11-11-243-011-000	LINCOLN HOUSING AUTHORITY	3911 N 8 ST LINCOLN
11-11-243-012-000	WINTER, MICHAEL E & COLLEEN S	3921 N 8 ST LINCOLN
11-11-229-028-000	WASSUNG PARK NORTH ASSOCIATION	3924 N 8 ST LINCOLN
11-11-243-013-000	LINCOLN HOUSING AUTHORITY	3931 N 8 ST LINCOLN
11-11-246-007-000	CUNNINGS, LYNN F & MARILYN L	3940 N 8 ST LINCOLN
11-11-246-006-000	COOK, JIMMY M & NICCO L	4000 N 8 ST LINCOLN
11-11-243-014-000	GARRISON, MICHAEL D & JENNIFER	4001 N 8 ST LINCOLN
11-11-246-005-000	FRANZEN, WILLIAM D & BETH A	4008 N 8 ST LINCOLN
11-11-243-015-000	GOODBAN, RICHARD L & URSULA M	4011 N 8 ST LINCOLN
11-11-246-004-000	NAPIERKOWSKI, EUGENE C	4016 N 8 ST LINCOLN
11-11-243-019-000	SAND, D R	4021 N 8 ST LINCOLN
11-11-246-003-000	SWANSON, JEREMY & NICOLE	4024 N 8 ST LINCOLN
11-11-246-002-000	LILLEHOLM, JAMIE	4032 N 8 ST LINCOLN
11-11-246-001-000	SCHEEL, EMIL J & SHARON L	4040 N 8 ST LINCOLN
< End of List >		

For detail information, Please click on the desired Parcel ID.

● County Assessor ● Property Information

I Received Approval From Everyone with a check mark which includes Both sides of the 2 streets that my Building is on. I also sent to the 4 closest Properties behind mine and Received 2 Positive responses.

Vacant — GRAMPMAN, WARREN
TRAN, HUNG
CAIN, JAMES
Naeve, KURTIS

3900 N 7th — ✓
3910 N 7th — No response
3920 N 7th — No response
3930 N 7th — empty
3930 N 7th — ✓ 018